

**BROOKLYN CENTER FOR INDEPENDENCE OF THE DISABLED ET AL. V.  
DE BLASIO ET AL., 11 CV 6690**

**ELEVENTH PROGRESS REPORT**

January 15, 2020

## INTRODUCTION

This is Defendants' Eleventh Progress Report pursuant to the so-ordered Stipulation of Settlement in Brooklyn Center for Independence of the Disabled et al. v. de Blasio et al., 11-CV-6690 (JMF) (*see* *dk.* #202), which details the steps Defendants have taken during the most recent reporting period to meet the deliverables set forth in the Accessible Sheltering Memorandum of Understanding (MOU) to address the needs of people with disabilities who may need shelter services during an emergency. Defendants now report compliance with the requirements set forth in the Accessible Sheltering MOU.

Below are highlights of some of the most significant initiatives and achievements.

### *Shelters*

- Since the filing of Defendants' Tenth Progress Report, additional shelters have been made accessible, bringing the total number to 72 including 58 Evacuation Centers. Those accessible facilities have the capacity to shelter approximately 127,650 people with disabilities.
- All accessible shelters have "way-finding" kits.
- In the event of an activation for a coastal storm, ten (10) Americans with Disabilities Act Administrators from DOE, HRA, MOPD, DHS, DOT and Parks are trained to staff positions at the Shelter Command Center to help trouble shoot any problems encountered by the Disability Access and Functional Needs (DAFN) Coordinators at accessible shelters.
- Plaintiffs have been provided 72 Evan Terry and Associates survey reports and 72 Implementation Charts.

### *Training and Outreach and External Affairs*

- Since submission of the Tenth Progress Report, Ready NY has delivered 18 presentations and participated in five (5) community fairs. At these events, New York City Emergency Management (NYCEM) distributed Ready NY materials to approximately 1,400 individuals with disabilities and others with access and functional needs. Ready NY has presented to organizations that included dialysis centers and senior centers, GEEL Community Services, Esperanza Center, St. Ann's Church for the Deaf, Adapt Community Network, and others. NYCEM attended community fairs such as the Andrew Heiskell Braille and Talking Book Library Community Fair, Visions Resources Expo, Brooklyn Developmental Disabilities Council Family Support Fair, 5<sup>th</sup> Annual NYC Disabilities Expo, and other events.
- NYCEM developed a "DAFN Training for Community and Faith-Based Organizations." The training addresses how to include people with disabilities in planning and response, educates people about proper etiquette when working with people with disabilities, and provides resources to assist organizations when planning for people with disabilities. The first training is scheduled for April 2020 in Staten Island.

- In January 2020, NYCEM held its eighth symposium on disability-related planning (this year called 2020 Symposium: Bridging the Gap to Communities) at Baruch College. This annual event brought together approximately 200 community leaders, service providers, government representatives and members of the public to discuss emergency planning for people with disabilities and others with access and functional needs. Participants attended panels about community connection, preparedness for older New Yorkers, youth preparedness, cultural and language access, communication for people who are deaf or hard of hearing, mental health, and individual preparedness.
- The Community Emergency Response Team (CERT) program conducted a Thrive NYC Mental Health First Aid training on January 12, 2020 to educate CERT volunteers to identify, understand, and respond to signs of mental health and substance abuse challenges and crises.
- The CERT program held a Deaf Awareness workshop on October 16, 2019 for CERT volunteers that covered the topics of etiquette in communicating with people who are deaf or hard of hearing and some basic American Sign Language (ASL) signs that could be helpful during an emergency.

**ACCESSIBLE SHELTERING MOU**

<b>Deliverable:</b>	<b>The City will have a minimum of 60 facilities for sheltering that are distributed throughout the five boroughs, capable of sheltering approximately 120,000 people with disabilities.<sup>1</sup></b>
<b>Reference in MOU:</b>	Sections II.A.1; II.B.2; III.A.1
<b>Action Taken/Current Status:</b>	Evan Terry Associates (ETA) completed surveys of 124 DOE school buildings to identify physical barriers to accessibility. A total of 72 facilities have been made accessible. They have the capacity to shelter 127,650 people with disabilities. Fifty-eight (58) are designated as Evacuation Centers (ECs) with co-located Hurricane Shelters (HSs). Implementation charts (ICs) documenting the physical remediations and programmatic solutions implemented at each facility and survey reports from ETA were shared with Plaintiffs for all 72 accessible facilities identified below.

	<b>DOE Building Code</b>	<b>Facility Type (Evacuation Center or Shelter)</b>	<b>Implementation Chart Provided</b>
1	K002	EC/HS	Yes
2	K006	EC/HS	Yes
3	K007	EC/HS	Yes
4	K012	EC/HS	Yes
5	K023	EC/HS	Yes
6	K024	EC/HS	Yes
7	K055	EC/HS	Yes
8	K088	EC/HS	Yes
9	K145	HS	Yes
10	K226	EC/HS	Yes
11	K259	HS	Yes
12	K289	EC/HS	Yes
13	K313	EC/HS	Yes
14	K314	HS	Yes
15	K324	EC/HS	Yes
16	K327	EC/HS	Yes
17	K331	EC/HS	Yes

<sup>1</sup> Previous Progress Reports addressed deliverables referenced in the MOU at Section II.A.3, II.B.1, III.A.2, and V.B.2.

18	K383	EC/HS	Yes
19	K430	EC/HS	Yes
20	K590	EC/HS	Yes
21	M088	EC/HS	Yes
22	M090	EC/HS	Yes
23	M092	EC/HS	Yes
24	M093	EC/HS	Yes
25	M118	HS	Yes
26	M125	HS	Yes
27	M131	EC/HS	Yes
28	M465	EC/HS	Yes
29	M470	EC/HS	Yes
30	M488	EC/HS	Yes
31	M490	EC/HS	Yes
32	M620	EC/HS	Yes
33	Q025	EC/HS	Yes
34	Q058	EC/HS	Yes
35	Q149	EC/HS	Yes
36	Q185	EC/HS	Yes
37	Q190	EC/HS	Yes
38	Q239	EC/HS	Yes
39	Q260	EC/HS	Yes
40	Q268	EC/HS	Yes
41	Q440	EC/HS	Yes
42	Q485	EC/HS	Yes
43	Q499	HS	Yes
44	Q505	EC/HS	Yes
45	Q515	EC/HS	Yes
46	Q566	EC/HS	Yes
47	Q570	EC/HS	Yes
48	Q610	EC/HS	Yes
49	Q686	HS	Yes
50	Q695	HS	Yes
51	R043	EC/HS	Yes
52	R051	EC/HS	Yes

53	R056	EC/HS	Yes
54	R058	HS	Yes
55	R071	HS	Yes
56	R880	EC/HS	Yes
57	X074	EC/HS	Yes
58	X080	HS	Yes
59	X102	EC/HS	Yes
60	X129	HS	Yes
61	X132	EC/HS	Yes
62	X137	EC/HS	Yes
63	X141	EC/HS	Yes
64	X158	EC/HS	Yes
65	X193	EC/HS	Yes
66	X235	EC/HS	Yes
67	X338	EC/HS	Yes
68	X362	EC/HS	Yes
69	X425	HS	Yes
70	X430	EC/HS	Yes
71	X460	EC/HS	Yes
72	X498	HS	Yes
<b>Total:</b>	<b>72</b>	<b>ECs: 58</b>	<b>72</b>

<b>Next Actions:</b>	This deliverable is complete.
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<b>Deliverable:</b>	<b>Every accessible evacuation center and shelter facility will be provided with a “wayfinding kit” to assist people with disabilities in utilizing that facility. These wayfinding kits will be piloted in accessible shelters during the initial phase of the implementation.</b>
<b>Reference in MOU:</b>	Section IV.B4
<b>Action Taken/Current Status:</b>	<p>Defendants have created wayfinding kits to be provided at every accessible EC and HS.</p> <p>Each kit includes the following:</p> <ul style="list-style-type: none"> <li>(1) a Disability Access and Functional Needs Coordinator (DAFNC) guide;</li> <li>(2) a site-specific list of programmatic solutions to be implemented at the</li> </ul>

	<p>facility;</p> <p>(3) a floor plan;</p> <p>(4) information regarding fire extinguishers and pull stations, Video Remote Interpretation (VRI) and connectivity instructions, a job action sheet, a general accessibility checklist, a reference guide, personal amplifier guidance, and a signage guide;</p> <p>(5) a set of signs in Braille format with mounting squares and a tape measure to be used to confirm proper signage placement;</p> <p>(6) way-finding instructions for people with disabilities;</p> <p>These documents help shelter staff identify the program areas of the facility, install the necessary temporary signage, and implement the programmatic solutions required at the time of the event to make the shelter accessible.</p> <p>Currently in its stockpile, NYCEM has 105 DAFN general kit materials, which include wayfinding kits to be deployed to the accessible shelters.</p>
<b>Next Actions:</b>	This deliverable is complete.

<b>Deliverable:</b>	<b>Provide either CART (remote translation services) or ASL interpretation services for every accessible facility.</b>
<b>Reference in MOU:</b>	Section IV.B.5
<b>Action Taken/Current Status:</b>	<p>NYCEM developed an Accessible Communication Policy for Hurricane Evacuation Centers and Shelters and Service Centers which indicates that Defendants will provide ASL interpretation services at every accessible facility through Video Remote Interpretation (VRI) via tablet. In some instances, in-person translation may be provided.</p> <p>The City has contracted with a vendor to procure, maintain, provide technological updates, deploy, and retrieve 95 tablets for use in every accessible facility. NYCEM provides a list of the accessible facilities that are to open and the vendor is to deliver tablets to each of these accessible facilities. All accessible facilities will receive one tablet.</p> <p>Instructions on how to operate the tablets and connect to VRI were shared with 490 DAFNCs during their training. DAFNCs deployable to shelters include 201 people from HRA/DSS, 48 from HPD, 82 CERT members, 12 from DFTA, 9 from DOT, 5 from DEP, and 5 from ACS. In addition, 62 volunteers and staff from American Red Cross, 49 volunteers from Medical Reserve Corps, 12 volunteers from the Resiliency Emotional Support Team (REST), and 5 staff from DOHMH who received this training are available to bring their DAFN knowledge and skills while performing other roles in a shelter operation.</p>

<b>Next Actions:</b>	<p>This deliverable is complete.</p> <p>The City maintains communications with the vendor to ensure tablet readiness. Beginning on April 1, 2020, which is the second year of the contract, NYCEM will have 40 additional tablets available for deployment by the vendor for the 2020 and 2021 coastal storm seasons, totaling 135. On March 31, 2022, the contract will be due for an extension. The contract allows for three (3) separate, three-year extensions.</p>
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<b>Deliverable:</b>	<b>Conduct a Shelter Needs Analysis to determine the level of capacity and appropriate geographic distribution to meet the anticipated need for meaningful access to the emergency shelter system for people with disabilities.</b>
<b>Reference in MOU:</b>	Section II.C.1
<b>Action Taken/Current Status:</b>	<p>Cadmus Group, Inc. (Cadmus) completed a needs analysis to determine the destination to which people with disabilities in the City are likely to evacuate. The study, which was shared with Plaintiffs on October 31, 2017, determined the percentage of people with disabilities who would evacuate to a family members' residence, friends' residence, public shelter, or other destination.</p> <p>The City applied the findings of the needs analysis to its operational plans. For example, in revising the NYC Coastal Storm Evacuation Plan, NYCEM updated the baseline resource commitments from the FDNY and MTA upwards to accommodate additional needs.</p> <p>The City also considered the findings to gain additional insights on relative mobility levels among the DAFN population requiring support from the City's Homebound Evacuation Operation (HEO). Since HEO uses a range of assets from ambulances to Access-A-Ride sedans, the City and its partners have considered the data to analyze how many of each of these specific vehicle types would likely best fit the need. This is helping to inform the City's planning and ongoing solicitation process for contracted accessible transportation resources through a citywide contracting effort.</p>
<b>Next Actions:</b>	This deliverable is complete.

<b>Deliverable:</b>	<b>Develop an implementation timetable and share it, along with updates on implementation, with Plaintiffs.</b>
<b>Reference in MOU:</b>	Introduction and Section II.A.2.



<b>Action Taken/Current Status:</b>	NYCEM continues to remediate facilities above and beyond what is required in the MOU. In doing so, it works with DOE and the School Construction Authority's (SCA) contractors to complete physical remediation of facilities. Defendants have been reporting on the progress of the work through their bi-annual reports to Plaintiffs and the Court and through ICs, provided periodically to Plaintiffs throughout the compliance period. To date, 72 schools have been remediated.
<b>Next Actions:</b>	<p>This deliverable is complete.</p> <p>The Accessible Facilities Working Group continues to meet to monitor the remediation work being conducted by DOE's contractors.</p>

<b>Deliverable:</b>	<b>Assess the current back-up power capabilities during the site survey process and develop a separate timeframe for back-up power implementation and installation at those sites.</b>
<b>Reference in MOU:</b>	Section IV.B.2
<b>Action Taken/Current Status:</b>	A total of 103 facilities have been surveyed for their back-up power capabilities. The survey process includes creating engineering drawings, identifying the required electrical specifications, and creating cost estimates for the installation of enhanced back-up power capabilities at these facilities. The 103 completed surveys cover back-up power capabilities of the facilities remediated or expected to be remediated for accessibility. DOE and NYCEM have selected 18 sites to receive "quick connect" switch gears, based on site capacity. These 18 sites are all among the accessible ECs identified above.
<b>Next Actions:</b>	This deliverable is complete.

<b>Deliverable:</b>	<b>Provide sufficient provisions in accessible shelters to accommodate the needs of people with disabilities.</b>
<b>Reference in MOU:</b>	Section IV.B.3
<b>Action Taken/Current Status:</b>	NYCEM has purchased supplies to support the operation of all accessible shelters. These supplies include accessible cots as well as mobility aids such as wheelchairs, crutches, and walkers. Significant reserve quantities of raised toilet seats, accessible cots, and medical supplies are also available.
<b>Next Actions:</b>	This deliverable is complete.

<b>Deliverable:</b>	<b>Priority for space will be given to people with disabilities at existing accessible shelters during the phase-in period.</b>
<b>Reference in MOU:</b>	Section II.B.4
<b>Action Taken/Current Status:</b>	<p>The City's shelter managers prioritize the assignment of space in accessible facilities to shelter clients with disabilities and their companions.</p> <p>This policy is set forth in the DAFNC job action sheet, which describes the DAFNC's responsibilities. A copy of the job action sheet was attached to the Sixth Progress Report as Exhibit A.</p>
<b>Next Actions:</b>	This deliverable is complete.

<b>Deliverable:</b>	<b>The City will take steps to publicly disseminate information, through multiple means and formats, about the location of accessible evacuation centers and shelters.</b>
<b>Reference in MOU:</b>	Sections II.A.5;V.B.1,3
<b>Action Taken/Current Status:</b>	<p>Information about the accessible ECs for this Coastal Storm Season is available on an interactive feature on NYC's Zone Finder available at <a href="http://maps.nyc.gov/hurricane/">http://maps.nyc.gov/hurricane/</a>. It is updated in advance of every Coastal Storm Season, and then throughout the Coastal Storm Season, as additional ECs come on line. The Zone Finder identifies the address of the accessible facilities, and provides information about the closest EC from any starting location within the City.</p> <p>It also identifies or confirms:</p> <ol style="list-style-type: none"> <li>1. the location of the facility's main/accessible entrance;</li> <li>2. that accessible restrooms are available;</li> <li>3. that access to the main shelter areas will be unobstructed and without steps;</li> <li>4. the availability of additional amenities available such as accessible cots and mobility aids (canes, crutches, manual wheelchairs, storage space for refrigerated medication, etc.); and</li> <li>5. that auxiliary aids and services available at the facility, such as ASL interpretation, sound amplifiers, and documents in alternate formats.</li> </ol> <p>In the event that shelters are opened, Zone Finder information is also disseminated through all NYCEM communications channels including the Ready NY outreach program and the Advance Warning System (AWS) to participating social service organizations.</p> <p>The City tested the ability of screen reading products to read the Zone Finder page,</p>

	and made all necessary adjustments to ensure the webpage's accessibility to people who are blind or low vision.
<b>Next Actions:</b>	<p>This deliverable is complete.</p> <p>NYCEM will continue to update the Zone Finder before and during each coastal storm season to ensure the list of accessible ECs remains current. NYCEM will also continue to update its Zone Finder as new information about amenities at accessible shelters is updated.</p>

<b>Deliverable:</b>	<b>Shelter staff will be able to determine which shelters/evacuation centers in their solar system are accessible.</b>
<b>Reference in MOU:</b>	Section V.B.3
<b>Action Taken/Current Status:</b>	The accessible shelters and co-located ECs continue to be identified to shelter staff through pre-deployment training of DAFNCs and with regularly provided informational handouts, through Just-In-Time Training available to all shelter staff, and through website access to NYCEM's Zone Finder and other relevant data.
<b>Next Actions:</b>	<p>This deliverable is complete.</p> <p>As new accessible shelters and co-located ECs come on line, the Zone Finder displays the most current addresses of accessible ECs and the site specific materials available to staff are updated along with the new facilities. In addition to website access to NYCEM's Zone Finder, the City's pre-deployment and just-in-time trainings provide definitive information to shelter staff about site specific accessibility addresses and other relevant information about accessibility features.</p>

<b>Deliverable:</b>	<p><b>The City, through the Services and Training Working Group, will develop and provide various types of training for all levels of shelter staff regarding best practices and procedures to provide meaningful access and support to people with disabilities who seek shelter in City facilities during an emergency. The City will continue to develop and implement a range of training regarding providing meaningful access for people with disabilities in emergency shelters for all staff and volunteers working at their emergency Evacuation Center and shelter facilities.</b></p> <p><b>Copies of relevant training will be shared with Plaintiffs' counsel for their review and comment. Plaintiffs' counsel will provide comments within five days of receipt, so as to allow for the City to move forward expeditiously.</b></p>
<b>Reference in MOU:</b>	Section II.A.6;V.B.4

<b>Action Taken/Current Status:</b>	<p>As previously reported, NYCEM developed a training video outlining best practices in how to respectfully and effectively communicate with and assist people with disabilities and others with access and functional needs in shelters and other settings. The training video was reviewed in advance by the Disability Community Advisory Panel and released in December 2016. It is now available to shelter staff and volunteers on NYCEM's YouTube site at:  <a href="https://www.youtube.com/watch?v=TCI67K0eS5o&amp;feature=youtu.be">https://www.youtube.com/watch?v=TCI67K0eS5o&amp;feature=youtu.be</a>.</p> <p>Starting in 2017, NYCEM produced site specific way-finding instructions for all accessible facilities. These instructions are maintained and have been available for distribution to all accessible ECs and HSs in the event of activation during upcoming coastal storm seasons. These way-finding materials have been incorporated into training for DAFNCs, who are responsible for ensuring accessibility at the shelters.</p> <p>The DAFNC training was updated on August 31, 2018 to include information about additional accessible sheltering facilities and a new Just in Time Training (JITT). These training materials are available to DAFNCs and other staff to be able to view them at the shelters. The easy availability to DAFNCs of this material gives them immediate access to information about the tools, equipment, and resources available at shelters during a coastal storm and facilitates meeting the needs of people with disabilities while they are at the shelters.</p> <p>Additionally, DAFN Administrator and Advisor training was enhanced in the summer of 2019 to reflect the updates to the DAFNC training.</p>
<b>Next Actions:</b>	<p>This deliverable is complete.</p> <p>A total of 490 people are trained as DAFNCs. Nine in-person trainings have been provided over the last year.</p>